

DAES
#3



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 98,541-K)

In re Application of:)
Penny Towne, et al.)
Serial No.: 09/800,689) Group Art Unit:
Filed: March 7, 2001) Examiner:
For: Automated Immunohistochemical and) Confirmation No.: 5052
In Situ Hybridization Assay Formulations)

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached
 - a. Notification of Loss of Entitlement to Small Entity Status and Payment of Additional Fee Due
 - b. Return Receipt Postcard
2. With respect to additional fees:
 - a. An additional fee of \$355.00 is required.
3. A check in the amount of \$355.00 is enclosed.
4. Please charge any deficiency in the amount due, or credit any overpayment, to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.
5. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this **8th** day of **May, 2001**.

By: Amir N. Penn
Amir N. Penn
Reg. No. 40,767

RECEIVED
MAY 15 2001
OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 98,541-K)

In re Application of:)	
)	
Penny Towne, et al.)	
)	
)	Group Art Unit:
Serial No.: 09/800,689)	
)	Examiner:
Filed: March 7, 2001)	
)	Confirmation No.: 5052
For: Automated Immunohistochemical and)	
<i>In Situ</i> Hybridization Assay Formulations)	

**NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
AND PAYMENT OF ADDITIONAL FEE DUE**

Commissioner for Patents
Washington, D.C. 20231

Sir:

On March 7, 2001, Applicant, through its attorney, filed a utility patent application under 37 CFR 1.53(b), which included a claim to small entity status. The signing attorney was unaware that Applicant has attained status as a large entity. Applicant hereby notifies the PTO that it is no longer entitled to status as a small entity, and that the claim for small entity status, set forth in the utility patent application transmittal, is hereby withdrawn. The erroneous claim to small entity status was made in good faith, without any intent whatsoever to deceive or commit fraud on the Patent Office. Applicant hereby respectfully requests that the PTO accept the \$355 that is due in relation to the basic filing fee that was filed in this case on March 7, 2001, and which inadvertently claimed the benefit of small entity status. A check in the amount of \$355 accompanies this notification.


Adjustment date: 05/15/2001 GTEFFERA
03/12/2001 BNGUYEN: 00000091 09800689
01 FC:201 -355.00 OP
05/15/2001 GTEFFERA 00000065 09800689
01 FC:101 710.00 OP

RECEIVED
MAY 15 2001
OFFICE OF PETITIONS

The undersigned registered patent attorney represents that he is authorized to act in a representative capacity for the above-identified applicant(s).

Respectfully submitted,
MCDONNELL BOEHNEN HULBERT & BERGHOFF

Date: May 8, 2001


Amir N. Penn
Reg. No. 40,767

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

RECEIVED
MAY 15 2001
OFFICE OF PETITIONS